

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT**  
**Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500**

**MOTION INFORMATION STATEMENT**

Docket Number(s): 16-1563

Caption [use short title]

Motion for: To dismiss the defendant/appelleant's motion  
seeking permission for leave to file an appeal.

HALBERSTAM V. GLOBAL CREDIT &  
COLLECTION

Set forth below precise, complete statement of relief sought:

Plaintiff/Appellee moves to have the appeal  
dismissed as there is motion for reconsideration  
concerning defendant/appellant's having been granted  
leave to seek permission to file an appeal.

MOVING PARTY: Herschel Halberstam☒ Plaintiff☐ Defendant☐ Appellant/Petitioner☐ Appellee/RespondentOPPOSING PARTY: Global Credit & Collection Corp.MOVING ATTORNEY: Adam J. Fishbein

[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY: Bradley J. Levien483 Chestnut StreetMintzer Sarowitz Zeris Ledva & Meyers, LLPCedarhurst NY 11516 516 791 440017 West John Street Suite 200 | Hicksville NY 11801 Tel 516.939.9200 |fishbeinadamj@gmail.comblevien@defensecounsel.comCourt-Judge/Agency appealed from: EDNY Judge Cogan**Please check appropriate boxes:**

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes ☐ No (explain): \_\_\_\_\_

Opposing counsel's position on motion:

☐ Unopposed ☒ Opposed ☐ Don't Know

Does opposing counsel intend to file a response:

☒ Yes ☐ No ☐ Don't Know**FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND  
INJUNCTIONS PENDING APPEAL:**

Has request for relief been made below?

☐ Yes ☐ No

Has this relief been previously sought in this Court?

☐ Yes ☐ No

Requested return date and explanation of emergency: \_\_\_\_\_

Is oral argument on motion requested?

☐ Yes ☒ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☐ Yes ☒ No If yes, enter date: \_\_\_\_\_

Signature of Moving Attorney:

/s/ Adam J. FishbeinDate: June 7, 2016Service by: ☒ CM/ECF☐ Other [Attach proof of service]

**ADAM J. FISHBEIN, P.C.**

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June 3, 2016

**VIA ECF**

Clerk of the Court  
United States Court of Appeals  
Second Circuit  
40 Foley Square  
New York, NY 10007

**RE: Halberstam v. Global**  
**16 CV 1563**

Dear Sir or Madam:

I represent the plaintiff in the above matter. On May 5, 2016 Judge Cogan from the Eastern District of New York granted defendant/appellant leave to ~~seek~~ permission to file an appeal. Defendant/Appellant did so timely. However, pursuant to Local Rule, plaintiff/appellee filed a motion for reconsideration before Judge Cogan on May 19, 2016.

Therefore, we take the position that the Second Circuit is currently divested of jurisdiction where we have filed the said motion for reconsideration. *Beauvoir v. Israel*, 794 F.3d 244 (2d Cir. 2015)

We request an order confirming that since the motion for reconsideration before Judge Cogan was filed, the Second Circuit currently lacks jurisdiction to consider whether the defendant/appellant should ~~be~~ granted leave to file an appeal.

Thank you for the Court's consideration of the foregoing.

Yours faithfully,

/s/

Adam J. Fishbein

Cc: Counsel of Record